



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

October 30, 2019

VIA ELECTRONIC MAIL

Mr. Freddy Martinez
MuckRock News
DEPT MR 81125
411A Highland Avenue
Somerville, Massachusetts 02144
81125-13950063@requests.muckrock.com

RE: Freedom of Information Act Request
2019 FOIA 060195

Dear Mr. Martinez:

Thank you for writing to the Office of the Illinois Attorney General with your request for information pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2018)).

In a FOIA request received on October 1, 2019, and assigned file No. 2019 FOIA 059987, you requested the following:

1. From Jan[.] 1st 2019 to September 30th 2019, I am looking for all published opinions made by the PAC.
2. I am specifically asking for all final, published PAC opinions which are closed because a request was not submitted to the PAC within 60 days for review.
3. Where possible, provide the final opinion.

On October 8, 2019, in response to file No. 2019 FOIA 059987, this office advised that we had interpreted part 1 of your request as seeking a copy of binding opinions and provided you with a link to those records. We also advised that this office had conducted a search of its records, and we had located no records responsive to parts 2 and 3 of your request.

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In an e-mail received on October 16, 2019, which was assigned file No. 2019 FOIA 060195, you clarified that you were seeking "all closed cases by the PAC where they found the request did not reach them within the time frame of 60 business days."

On October 23, 2019, we provided you with the first set of responsive records. In the same response, we requested that you allow this office to provide you with the remainder of the responsive records in a rolling fashion until production was completed. We also advised that this office had interpreted your current FOIA request as seeking all determination letters issued by PAC closing cases between the dates of January 1, 2019 and September 30, 2019, the time frame originally identified in file No. 2019 FOIA 059987. We received no correspondence from you indicating that this interpretation was incorrect or that a rolling production would be unacceptable.

Today, we are providing you with the second and final set of responsive records. Accordingly, this letter shall serve to close your file. With respect to the records we are providing today, your request is granted in part and denied in part. We have withheld no records. However, we have redacted unique identifiers as "private information," as that term is defined in section 2(c-5) of FOIA (5 ILCS 140/2(c-5) (West 2018)). "Private information" is exempt from disclosure under section 7(1)(b) of FOIA. 5 ILCS 140/7(1)(b) (West 2018). Specifically, we have redacted signatures (*see* Ill. Att'y Gen. PAC Req. Rev. Ltr. 12046, issued June 23, 2011), personal mailing addresses, personal e-mail addresses, and a court reporter license number.

We have also redacted two types of information pursuant to section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c) (West 2018)). Section 7(1)(c) exempts from disclosure "personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Section 7(1)(c) defines an "[u]nwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." 5 ILCS 140/7(1)(c) (West 2018).

First, we have redacted information that would identify private citizens who submitted requests for review with this office, including their names and requesters' Illinois Department of Corrections prisoner identification numbers. "The purpose of the Act is to disclose information that relates to the affairs of government including the public duties of public employees, and public officials. The Act was not designed to provide information about private individuals seeking access to information regarding the affairs of the government." *Chicago Alliance for Neighborhood Safety v. City of Chicago*, 348 Ill. App. 3d 188, 212 (2004). While there may be some cases in which the public interest in disclosure of requester information outweighs the privacy interest, the requester information redacted in the responsive records

relates to private citizens requesting information for private purposes. The subjects' privacy interests in remaining anonymous outweigh any legitimate public interest in knowing who they are. Accordingly, this information is exempt from disclosure.

Second, we have redacted the names of private citizens identified in the records. "[A] Government agency may edit the names and identifying information of private parties from documents that otherwise reveal the operations and activities of the agency, because FOIA's central purpose is to guarantee 'that the *Government's* activities be opened to the sharp eye of public scrutiny, not that information about *private citizens* that happens to be in the warehouse of the Government be so disclosed.'" (Emphasis in original.) *Silets v. United States Dep't of Justice*, 945 F.2d 227, 229 (7th Cir.1991), citing *United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 774 (1989).

One of the requesters provided this office with records in support of the request for review, which included the names of private citizens. The redacted information consists of the names of private citizens that were referenced within those records. This information is highly personal and the private citizens' rights to privacy outweigh any legitimate public interest in knowing who they are. Accordingly, this information is exempt from disclosure under section 7(1)(c).

You have a right to have the partial denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a) (West 2018). You may file your request for review with the PAC by writing to:

Sarah Pratt
Public Access Counselor
Office of the Illinois Attorney General
500 South 2nd Street
Springfield, Illinois 62701
Fax: (217) 782-1396
publicaccess@atg.state.il.us

If you choose to file a request for review with the PAC, you must do so within 60 calendar days of the date of this partial denial letter. 5 ILCS 140/9.5(a) (West 2018). Please note that you must include a copy of your original FOIA request and of this partial denial letter when filing a request for review with the PAC.

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You also have the right to judicial review of your partial denial by filing suit in the appropriate Illinois court. 5 ILCS 140/11 (West 2018).

Very truly yours,

A handwritten signature in black ink, appearing to read "James M. Gale", written in a cursive style.

JAMES M. GALE
Assistant Attorney General

JMG:ga

Attachments

cc: Annie Thompson, Senior Press Secretary
Office of the Illinois Attorney General

Tori Joseph, Deputy Press Secretary
Office of the Illinois Attorney General